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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/791,279

03/03/2004

Theodor Stern

26041

8931

20529 7590 01/14/2011
THE NATH LAW GROUP
112 South West Street
Alexandria, VA 22314

EXAMINER

VAKILI, ZOHREH

ART UNIT

PAPER NUMBER

1614

MAIL DATE

DELIVERY MODE

01/14/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of Allowability

Application No.

10/791,279

Applicant(s)

STERN ET AL.

Examiner

Art Unit

ZOHREH VAKILI

1614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/20/2010.
2. ☒ The allowed claim(s) is/are 29-60.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date ____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date ____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other ____. |

/Zohreh Vakili/
Examiner, Art Unit 1614

/Ardin Marschel/
Supervisory Patent Examiner, Art Unit 1614

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The previous office action is now vacated in view of the approved examiner's amendment.

Authorization for this examiner's amendment was given in a telephone interview with Ms. Hopkins on January 5, 2010. The application must be amended as follows:

Please amend claims 29, 50 and 53 to read as following:

29. A catamenial tampon for insertion in a human vagina, comprising:

- (a) an inner core comprising an absorbent material;
- (b) an outer layer comprising a liquid permeable material; and
- (c) a formulation effective in reducing the pH in a menstruating vagina or in a tampon inserted therein to below pH 5.5, the formulation comprising

30-100 wt% of glycolide; wherein glycolide is a cyclic dimer of glycolic acid, optionally, 15-97 wt% of a solid organic acid; and

optionally, 5-30 wt% of a wetting agent, based on the total weight of the formulation.

50. A catamenial tampon for insertion in a human vagina, comprising:

- (a) an inner core comprising an absorbent material;
- (b) an outer layer comprising a liquid permeable material; and
- (c) a formulation effective in reducing the pH in a menstruating vagina or in the catamenial tampon inserted therein to below pH 5.5 within one hour or less from the time of insertion, comprising

30-100 % by weight of glycolide; wherein glycolide is a cyclic dimer of glycolic acid,

optionally, 15-97 % by weight of a solid organic acid; and

optionally, 5-30 % of a wetting agent.

53. A catamenial tampon for insertion in a human vagina, comprising:

- (a) an inner core comprising an absorbent material;
- (b) an outer layer comprising a liquid permeable material;
- (c) a polymeric support provided between the inner core and the outer layer; and
- (d) a formulation deposited on the polymeric support, the formulation effective in reducing the pH in a menstruating vagina or in the catamenial tampon inserted therein to below pH 5.5, comprising

30-100 % by weight of glycolide; wherein glycolide is a cyclic dimer of glycolic acid,

optionally, 15-97 % by weight of a solid organic acid; and

optionally, 5-30 % of a wetting agent.

Reason for allowance: Glycolide used in this invention is a cyclic dimer of glycolic acid, which is not taught by the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zohreh Vakili whose telephone number is 571-272-3099. The examiner can normally be reached on 8:30-5:00 Mon.-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ardin Marschel, can be reached on 571-272-0718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Zohreh Vakili

Patent Examiner
1614

January 5, 2011

/Ardin Marschel/

Supervisory Patent Examiner, Art Unit 1614